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## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, You clothe Yourself with light as with a robe. You spread the glorious Heavens with Your mighty hand. Listen now to our prayers, and forgive us for our conscious and unconscious transgressions.

Lord, bless our lawmakers until all they do may find the goals You have inspired. May they live this day with a greater dedication to serve You and humanity. Give them grace to fill every hour with an awareness of Your love, mercy, and grace.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### NOMINATION OF MIKE POMPEO

Mr. MCCONNELL. Mr. President, today our colleagues on the Foreign Relations Committee will vote to report the President's choice for the next Secretary of State.

It is really hard to imagine someone more thoroughly qualified than Mike Pompeo. His career is a success story on every single level. He graduated first in his class from West Point, served as a U.S. Army officer, and attended Harvard Law School. Then came success in business, and then Mike's neighbors elected him to Congress in 2010.

That impressive resume explains why, a little more than a year ago, a large bipartisan majority of Senators confirmed Mike as CIA Director. His qualifications were perfectly obvious, and, by all accounts, his track record at the CIA shows that vote of confidence was exactly the right decision. He has demonstrated mastery of the daily briefings he both receives and delivers. His high-quality counsel on sensitive matters has won the confidence not only of our national clandestine service but also of the Commander in Chief, and he has returned our CIA to the aggressive gathering of foreign intelligence. Along the way, he has built a reputation for listening to all points of view, trusting career staff, treating everyone fairly, and acting decisively.

In Mike Pompeo, the United States will have a chief diplomat who will enjoy the total confidence of the President and is uniquely qualified to reinvigorate our Foreign Service and represent our interests abroad. It is hard

to imagine a better nominee for this mission, at this moment, than Mike Pompeo. I look forward to upholding the tradition of this body and voting to confirm him this week.

The Senate will also vote later this afternoon to advance the nomination of Kyle Duncan of Louisiana to serve on the Fifth Circuit Court of Appeals. Mr. Duncan's legal credentials show that the President has made another outstanding choice.

With degrees from LSU and Columbia under his belt, he built an impressive record in litigation, rising to serve as appellate chief in the Louisiana office of attorney general.

His accomplishments also extend to private practice, where his work earned the respect of his colleagues and peers, including his opponents in court.

A few weeks ago, a law professor and litigator who sparred with Kyle Duncan in a high-profile case wrote:

Kyle Duncan is a magnificent nominee for the Fifth Circuit. . . . His confirmation should be supported by all who value judges committed to fairness and scrupulous application of the law.

A bipartisan group of current and former State solicitors general wrote to our colleagues on the Judiciary Committee to praise his nomination. Here is what they said:

As frequent advocates in the U.S. Courts of Appeals, we are well-acquainted with the qualifications and characteristics that make good judges, including intellect, integrity, legal experience, and temperament, all of which Mr. Duncan possesses in ample quantities.

They went on to say:

We came to know him as a highly skilled lawyer with an easygoing demeanor, and as someone we could routinely turn to for advice and interest on issues of mutual interest. Even though we have worked for state Attorneys General of different political stripes, we all agree that Kyle Duncan has the personal and professional qualities that should typify the federal judiciary.

No wonder the American Bar Association's Standing Committee on the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Federal Judiciary awarded Mr. Duncan its highest rating of “well qualified.”

I urge every one of our colleagues to take his credentials, experience, and bipartisan support into account. Let's vote to advance the Duncan nomination this afternoon.

#### TAX REFORM

Mr. President, on another matter, in the last several weeks, we have focused on the contrast between the economic policies that my Democratic colleagues favor and the policies this Republican President and Republican Congress have put into effect.

Under nearly a decade of Democratic leadership, the American people saw slow and insufficient growth. For most workers in most industries, significant wage growth was nearly nonexistent; new opportunities were few and far between; and the new prosperity that was created was spread unevenly across the country.

Metropolitan areas with more than 1 million residents did OK under Democratic policies. Big cities captured nearly three-quarters of the limited job growth and more than 90 percent of population growth between 2010 and 2016. The rest of America fell further and further behind. Year after year, rural America, suburban America, smalltown America, and small cities across the country saw almost no progress. That is not a record to be proud of, and it is not one that Republicans would stand for. That is why we are implementing an inclusive opportunity agenda to get wages, opportunities, and prosperity growing again for all Americans.

We have cut job-killing redtape and passed historic tax relief for middle-class families, workers, and job creators. It is delivering results for Americans whom the Obama economy left behind. I hear frequently from workers and small business owners in my State about how lifting these burdens is changing their lives.

I recently heard from Senator GRASSLEY about the good things tax reform is doing in the State of Iowa. In Cushing, IA—population 220—the Anfinson Farm Store is using the new Tax Code to raise worker wages and give employees bonuses. Across the State, the 162 full-time manufacturing workers at Dyersville Die Cast are receiving their own tax reform bonuses. Iowa families will see lower heating and cooling bills, since tax reform is letting the State's utility companies deliver \$147 million in consumer savings. Iowans should be proud that both of their U.S. Senators voted for the historic reform that made all of this possible.

South of the border, in Missouri, it is a different story. There, too, tax reform is a big win for working families and small businesses. From big employers like Walmart to local businesses like Mid-Am Metal Forming, Missouri workers are reaping the benefits, but, unfortunately, only one of Missouri's Senators voted for it. The State's senior Senator voted on strict

party lines to block these historic tax cuts from reaching workers and families.

Maybe my Democratic colleagues still prefer the leftwing policy playbook that funnels jobs and prosperity into the biggest and richest cities but does very little for States like Missouri and Iowa. I am proud of Republicans who are taking things in a different direction, and all kinds of Americans are doing better because of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL PARK WEEK

Mr. DAINES. Mr. President, today marks the start of National Park Week.

As a fifth-generation Montanan and as someone who grew up in Bozeman—in fact, Mom and Dad moved there in 1964, just a short drive from America's first national park, Yellowstone—I am very excited to take this opportunity to celebrate the parks that are so very special to so many because, in Montana, hiking, backpacking, fishing, and white water rafting are a way of life.

I grew up spending as much time outdoors as possible, and I continue that tradition with my children today. In fact, my idea of a great time in August is to take our dogs, as many of our kids as we can get together—according to their schedules anymore—and take our backpacks and spend several days together in enjoying Montana's outdoors. As a father, I am grateful to share these experiences with our four children and instill in them a love for the outdoors. Frankly, what better place to do that and enjoy the outdoors than in our national parks.

While Montana is privileged to have two world-famous national parks in Glacier and Yellowstone, national parks are the pride of so many States from Florida to Colorado, to Maine.

Speaking of Maine, I am very glad to have partnered with my colleague from Maine in leading this week, as well as with an additional 26 of our colleagues around the country, supporting this resolution. I am pleased we will have the opportunity to recognize the tremendous value our national parks bring to so many.

As this week begins, I have one challenge for everyone. I challenge you to find time in your schedules and visit a national park. Our national parks are what make us distinctly American. In fact, you can go to [findyourpark.com](http://findyourpark.com) and find the closest park to you. I hope to see all of you out there sometime this year.

With that, I would like to turn it over to my colleague and my friend, the former Governor of Maine and now the Senator of Maine, ANGUS KING, who

joins me in leading National Park Week.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I thank my distinguished colleague. I want to join with the chairman of the Subcommittee on National Parks of the Committee on Energy and Natural Resources, Senator DAINES, to support this resolution which was adopted unanimously last week recognizing this week as National Park Week in this country.

When I left office as Governor of Maine in January of 2003, my family and I the next day took off in a 40-foot RV to see the country. My children were 12 and 9 at the time, and we basically circumnavigated America over the next 5½ months.

Just before coming to the floor, I went down the list of the parks we went to. The point I want to make is—and I get a bit emotional about this. This was the greatest experience of my life, to have taken my children to these parks with my wife, Mary; and to have seen and experienced them and experienced the people at the parks was just an unbelievable life-changing experience.

We went to Arches—I am doing them in alphabetical order, not geographically—Bad Lands; Big Bend in Texas, which, by the way, is one of the most beautiful places in the country and one of the least visited national parks; Bryce Canyon; Canyonlands; Capitol Reef; Carlsbad; the Grand Canyon—of course, every American should see the Grand Canyon. No picture, no movie, no helicopter movie, nothing can prepare you for the Grand Canyon; Mesa Verde; Olympic National Park in the State of Washington; the redwoods and sequoias in California; Shenandoah, just a few hours from here; St. John in the Virgin Islands; Yellowstone; Yosemite; and Zion. These are gems.

It has become commonplace to reference Ken Burns' statement that the national parks are “America's best idea,” starting with Yellowstone but spreading across the country. They mark our history, they mark our tremendous natural resources, and they are just pure inspiration.

I hope our colleagues can go, if only for 1 day. If you have 1 day, you can leave Washington and be in Front Royal, VA, in about an hour and a half and go down the Skyline Drive of Shenandoah National Park, one of the most beautiful places in the country and within a couple of hours of Washington. These parks are near every place. There are so many gorgeous and extraordinary places among this system.

In Maine, we have two—one is a national park and one is a national monument. We have Acadia National Park, which is the fifth most visited national park in the country, and it is enormously important. These parks are not only important to our spiritual well-being and the ability of our people

to enjoy the wonders of this country, but they are also economically important. Acadia, for example, has about 3.5 million visitors a year. To put that in perspective, Maine has a population of 1.3 million. So almost three times the population of Maine visits Acadia every year. The estimate is \$386 million of direct economic benefit to our State, with 4,200 jobs. It is a magnet. It is a national park that draws people into our State, and it is, indeed, one of the most spectacular places in America. I have been there many times. From the top of Cadillac Mountain to the place they call Thunder Hole, it is a gem of a place that is on the ocean. Acadia is on an island just off the coast of Maine. We just had a monument established about 3 years ago called Katahdin Woods and Waters, which is the other side of the coin in terms of attractive places that are important for visitors and are symbolic of the places all over the country. Katahdin Woods and Waters is inland. It is on a river. It has mountain views and forests, it is inland Maine, which represents so much of what our country looked like many years ago.

These places are deeply important to our country. I want to join my colleague in challenging all of our colleagues to visit the national parks. It is not only the physical nature, the physical attraction of a place like the Grand Canyon, but it is also about the people.

I will never forget taking our children to Kitty Hawk on that RV trip. We had a guide who knew everything there was to know about the Wright brothers, and he engaged our kids in a way I hadn't seen. This was education of the highest sort. The people in these parks are dedicated, they know their stuff, and they make the experience so dramatic and real for all the members of the family.

We have work to do in this body. We have a backlog of maintenance on our parks that the Senator from Montana and I are working on, along with Senators ALEXANDER, HEINRICH, and others, to try to find a solution to this maintenance backlog. We do have work to do. We are working with the parks to bring their admissions system into the 21st century in terms of online access for park passes. There is plenty of work to be done.

The underlying assets are so magnificent and are so important to our country economically, culturally, socially, and spiritually. I am proud to have joined my colleagues in sponsoring this resolution which was adopted unanimously. I join my colleague and invite all of my colleagues and all Americans to make it a point this year, as the weather gets warmer, to visit one of these magnificent places. You will be rewarded richly and the rewards will stay with you every day of your life.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### NOMINATION OF MIKE POMPEO

Mr. CORNYN. Madam President, article II, section 2 of our Nation's founding document grants the Senate the prerogative to confirm the President's Cabinet nominees. One of those nominees—the current administration's most important nominee, at least today and this week—is Mike Pompeo, the current Director of the Central Intelligence Agency.

Director Pompeo has been asked to become the Nation's chief diplomat, the Secretary of State, and now filling this post is entirely up to the Senate. The relevant questions couldn't be graver or more obvious.

Do we as a country, with so many longstanding relationships around the world, really feel the need for, the utter necessity of a Secretary of State or not? Do we believe in furthering international diplomacy by filling this post expeditiously or not? Do peace talks—for example, in North Korea—rank among our highest national priorities? Do we want to demonstrate as much by confirming Mr. Pompeo so that those talks can proceed, or is this Chamber too self-absorbed in partisan divides to see the much bigger, global picture?

It is time to be serious about Director Pompeo and what this nomination represents. The stakes are high, and the time is short. So why is it, then, that some of our colleagues, all of a sudden, seem to have suffered from sort of a situational amnesia?

Take this, for example. Our colleague from New Hampshire said last year that Mike Pompeo's nomination for CIA Director demonstrated his "strong condemnation of Russian aggression" and "gives [her] confidence" that he can step into this role and effectively lead the CIA. Now she seems to have forgotten those previous positive statements. Frankly, it is hard to reconcile what she is saying now about her vote on the nominee for Secretary of State and her vote on the Director of the Central Intelligence Agency.

Now our friend from New Hampshire says she has deep concerns and cannot support Director Pompeo's nomination to the State Department. How is it that you support a nomination to be Director of the Central Intelligence Agency—the leader of the intelligence community and an Agency so important to our national security interests—and then turn around and say you cannot support the nomination for Secretary of State of the same person whom you have just spoken so highly about?

Well, like I said, it is hard for me to reconcile the differences. Perhaps that would make sense if there were some

allegation that Director Pompeo had done a bad job leading the CIA, but no one thinks that. Indeed, we have learned—from leaks, unfortunately—that he traveled to meet with Kim Jong Un, the leader of North Korea, to lay the foundation for the talks that will now occur between Kim Jong Un and President Trump on denuclearizing the Korean Peninsula. I can't imagine a more urgent, a more dangerous, and a more necessary negotiation than the negotiation between President Trump and Kim Jong Un.

Having been in Seoul last September and seeing how close North and South Korea are, it is not just the nuclear weapons that could be put on intercontinental ballistic missiles that we have to be concerned about but the conventional weapons that are laid right there along the demilitarized zone that could literally cause enormous loss of life and bloodshed just across the border in South Korea.

So I applaud Director Pompeo going, at President Trump's request, on that clandestine mission to try to pave the way to denuclearize North Korea. If anything, my confidence in Director Pompeo's fitness to serve as Secretary of State is enhanced by his role as a diplomat, even during his current role as Director of the CIA.

Well, people are practically unanimous in their praise for Mike Pompeo's conduct as Director of the Central Intelligence Agency. It is public knowledge that he has great rapport with the President. When you are representing the U.S. Government to foreign governments, the knowledge that the Secretary of State has a close working relationship with the President of the United States is the coin of the realm. That is why foreign leaders talk to the Secretary of State and take the Secretary of State seriously.

Mike Pompeo has earned the President's trust through his hard work and mastery of the intelligence work done at the CIA, and that has been the reason why the President now seeks to elevate him to the office of Secretary of State.

The objections of our colleague from New Hampshire, and by extension her party, are not about anything substantive. Nobody is pointing to something he did wrong or something they wish he would have done differently as a reason to vote no. They think Director Pompeo is too close to the President and asked whether and to what extent the Director will be able to exercise independent judgment. This is the chief diplomat of the United States, the chief representative of the President of the United States, and our colleagues are asking: How can he exercise independent judgment and separate himself from the person who appoints him and at whose pleasure he serves?

It just doesn't make any sense.

Our other colleague, the senior Senator from California, has come close to saying this very thing. She has said

about Director Pompeo that he is smart and he is hard-working and devoted to protecting our country. This is our colleague from California, Senator FEINSTEIN, who voted to confirm him as Director of the Central Intelligence Agency. She knows a lot about it, having been chair of the Committee on Intelligence here in the Senate, but now she says she senses a certain disdain for diplomacy in Mike Pompeo that she believes disqualifies him to be our senior diplomat—the same person who over Easter flew over to see Kim Jong Un to lay the groundwork for this negotiation, which could well save hundreds of thousands and maybe millions of lives that would be lost in the event there were military conflict between North and South Korea and the United States and our other allies.

Now, like our friend from New Hampshire, I admire the Senator from California and enjoy working with her, but frankly I don't understand her turn-about.

Mike Pompeo is thoughtful, careful, and has a remarkable ability to see the world through multiple lenses at once. That is because of his time at West Point, his service in the U.S. Army, and his experience practicing as a lawyer. It is because he has worked as a leader in business and he has represented the men and women of Kansas in Congress. He knows the intelligence community inside and out, not only from his service as Director of the Central Intelligence Agency but also as a member of the House Permanent Select Committee on Intelligence. He is indisputably smart, and he sees all the angles. That is precisely what will serve him so well when the State Department and others work tirelessly to untangle and resolve some of the most intractable of issues—arms control, international security, human rights violations, and religious freedom, just to name a few.

Well, what has happened since our friend from California said Mike Pompeo is smart, hard-working, and devoted to protecting our country? What has changed since then? Well, nothing has changed, except for perhaps the political calculation that it is perhaps in the Democratic Party's best political interest to oppose every one of President Trump's policies and nominees because that way they stay out of trouble with their political base. One reason Senators are elected for 6 years from a whole State is, presumably, that we can get beyond those sorts of parochial political concerns, particularly on matters of such national and international import.

Our Democratic colleagues have made it no secret that they are not fond of the President and some of his instincts and decisions, but isn't that all the more reason for them to not sacrifice rational judgment in the case of this highly qualified and widely revered nominee? After all, defeating a Secretary of State nominee would be extraordinary, historically speaking,

and it would send a terrible message to our friends and allies around the world. This is nothing to be trifled with. President George W. Bush's first nominee, Colin Powell, was confirmed by a unanimous voice vote. And his second, Condoleezza Rice, had 85 Senators vote in her favor. Hillary Clinton received only two no votes, and John Kerry only three. Every Secretary of State nominee since 1925 has been reported out of the Senate Foreign Relations Committee favorably. That may change today.

This body and this institution should not forget its own history and traditions, and we should not give up on the tradition of bipartisanship, goodwill, and fairness to the opposition.

I am proud to support Mike Pompeo as our next Secretary of State and hope that all of our colleagues across the aisle will have the political courage to join those of us voting yes.

I note that there have been some press releases, some announcements, and a number of our colleagues have stepped forward and said they will vote yes for Mike Pompeo as Secretary of State. I applaud them in their political courage for standing against the tide.

For those who refuse—especially for the ones who have flip-flopped in the matter of a year—Mike Pompeo is a human being, a public servant, and somebody well trained and well prepared to be the Nation's top diplomat. I just simply don't understand how they can reconcile those two polar opposite positions, or perhaps they can explain it to the American people. I cannot.

I yield the floor.

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, the preamble of our Constitution lays out a vision that includes establishing justice and promoting the general welfare. Certainly we have the challenge in America of making sure the doors of opportunity are wide open and not slammed shut.

For centuries, we have been working to try to make sure that vision comes into full realization, but today we are considering the nomination of Stuart Kyle Duncan to a lifetime appointment on the Fifth Circuit Court of Appeals. This individual is not supportive of our constitutional vision of open doors; he is intent on slamming them shut—slamming them shut on all LGBTQ communities; slamming them shut on women seeking reproductive rights and healthcare; slamming opportunity shut on those who simply wish to vote in America in fulfillment of the vision of our constitutional democratic Republic; slamming the doors shut on those

who are here and have been here legally, who are seeking to become citizens.

Mr. Duncan is probably best known for his work on *Burwell v. Hobby Lobby*, a landmark case opposing the ACA's requirement that employers provide insurance coverage opportunity for contraception and for undermining the healthcare of countless women across America.

You might say: Didn't his side of this case win in the courts? Well, not for the reasons that this individual put forward. The Court rejected the arguments Kyle Duncan made. He refused to acknowledge the importance of birth control in women's lives, arguing that the government does not have a compelling interest in ensuring access to birth control without cost-sharing. The Court said that is wrong and that the government does have a compelling interest. Mr. Duncan argued that the Court was not required to consider the impact of this law—or the possibility of overturning it—on employees under the Religious Freedom Restoration Act. Every single member of the Court, whether in the majority or in the minority on the opinion, threw out that argument, reaffirming that burdens on third parties must be considered. Although the verdict came down on the side Mr. Duncan advocated for, the Court soundly rejected his arguments and his reasoning.

After *Hobby Lobby*, he wrote an amicus brief in *Zubik v. Burwell* on behalf of Eternal World Television Network, a nonprofit seeking an exception from the ACA birth control benefit. He made some of those same arguments again, and again the Court rejected his reasoning and directed the government and all parties involved to arrive at an approach that ensures that affected women "receive full and equal health coverage, including contraceptive coverage."

It is certainly a concern to have a nominee who wants to slam the door shut on the freedom of women to access the reproductive healthcare that they desire, but there is more door-slamming here than that. He is an ardent opponent to equality and opportunity for the LGBTQ community here in the United States of America. He is recognized as one of our Nation's leading opponents of opportunity for the LGBTQ community.

He authored legal briefs opposing marriage equality in *Obergefell v. Hodges*, going so far as to question the legitimacy of the Supreme Court when the Court came down saying that "love is love" and that marriage equality is the law of the land under the Constitution of the United States of America. He called that decision "an abject failure."

I ask you, what kind of fairness do you anticipate from a judge who is ardently opposed to the freedom of opportunity for LGBTQ Americans, who condemns a previous decision of the Supreme Court as "an abject failure," and

who said that this decision would “im-peril civic peace”? He said:

No one can possibly predict with any degree of confidence what are all the possible ramifications for our society that are going to take place. No one could have predicted all of the social pathologies from no-fault divorce. This is a far more radical change than no-fault divorce.

He said that “harms” to our democracy from marriage equality “would be severe, unavoidable, and irreversible.”

Certainly, he wanted to slam the door on marriage opportunity for LGBTQ Americans, but he made an outrageous argument that the concern of others should enable his court, as he envisioned it, to deprive Americans of the opportunity to marry the individual they love—no concern for the Constitution, just that some folks might find it uncomfortable. He made an extensive, hyperbolic, hysterical argument that it would completely debase society for people to be with the person they love.

His attacks against the LGBTQ community go on and on, from introducing expert declarations in one case that characterized transgender Americans as “delusional.” If you have been characterized as delusional based on who you are and whom you love, what fairness can you expect from the judgment of this individual? He fought to deny parental rights to the woman who adopted the children of her same-sex partner—the same children she had helped raise for 8 years.

Clearly, this individual is interested in rightwing, opportunity-denying legislating from the bench, not protecting the vision of opportunity embedded in our Constitution.

All that doesn't even touch on his other efforts, such as his effort to make it difficult for communities of color or communities of modest economic means to be able to vote in the United States of America. If you believe in the Constitution of the United States, you should be a fierce advocate for voter empowerment and participation, not voter suppression, but this individual is a fierce advocate for voter suppression. Isn't it right to have people confirmed to the bench for a lifetime appointment who actually admire the vision of our Constitution for opportunity and for citizen engagement, not one who wants to tear down opportunities and slam doors on opportunities and stop people from voting.

That is not all. There is more. There are his attacks on deferred action for parents of Americans in which he spreads false and frightening stereotypes about immigrants, echoing his previous hysterical comments, saying that “[m]any violent criminals would likely be eligible to receive deferred action under DAPA's inadequate standards.” It is kind of the last refuge of a scoundrel, an individual who proceeds to attack our immigrants, saying: Oh, they might all end up being criminals—completely contrary to the facts, where immigrants are far more law-

abiding than the vast average among Americans born here in the United States.

Isn't it the case that we are a nation of immigrants? Unless you are 100 percent Native American Indian, then you are here because you immigrated or your parents immigrated or your ancestors at some level immigrated generations ago. So basically descending to attack immigrants as all criminals is simply another example of this individuals's unsuitability to serve on the bench.

We are a “we the people” nation, founded on equality, justice, and opportunity for all. Our Nation is about opening doors for each individual to participate to the full degree of their talent, not to have the prejudices of some allow them to slam doors on others. That is why this individual, Stuart Kyle Duncan, should never be on the floor of the Senate to be confirmed as a judge in the United States of America. Let him carry on his advocacy outside the hallowed halls of the courtroom but not inside, sitting on the bench. That is why everyone here tonight should vote against confirming this nomination.

Thank you, Madam President.

THE PRESIDING OFFICER (Mr. MORAN). The Senator from Louisiana.

MR. CASSIDY. Mr. President, I rise to speak to the nomination of and the vote we are about to have on Kyle Duncan. Kyle Duncan is from Louisiana. He has been nominated to be on the Fifth Circuit Court of Appeals. Let me speak a little bit about his qualifications and why I think we should support his nomination and vote yes.

First, I have a little bit of pride in this; he is a graduate of LSU, my alma mater, and graduated from LSU's law school, the Paul M. Hebert Law School. He graduated in the Order of the Coif and subsequently got a master of law degree from Columbia University. He has the training, experience, and institutional knowledge to be a successful judge.

I have discussed his academics; let's speak about his experience. His breadth of experience makes him a great choice. He was certified as “well qualified” by the American Bar Association. He has extensive courtroom experience on the Tenth and Fifth Circuit Courts of Appeals, the D.C. Circuit Court of Appeals, the Texas and Louisiana Supreme Courts, and he has twice argued in the U.S. Supreme Court. He has experience working in the public and private sectors and in academia. He pulls from diverse legal backgrounds, including criminal law, American Disabilities Act regulations, section 1983 claims, healthcare law, adoptions, and contract law. He understands the Fifth Circuit.

After law school, Mr. Duncan clerked on the Fifth Circuit Court of Appeals under the Honorable John M. Duhe, Jr. He was the assistant solicitor general at the Texas attorney general's office and a professor at the University of

Mississippi Law School. He is the appellate chief of the Louisiana Department of Justice. All of these are States included in the Fifth Circuit Court of Appeals. Again, this is the experience and background we should look for when selecting a judicial nominee.

I will also add that he is of high character. Even those who are going to vote no have been impressed once they have met him. They consider him a genuinely nice man whose body of work is reflective of someone who is decent. His body of work also demonstrates his high respect for legal precedent. He understands that a judge is not an advocate for a particular case but, instead, an adjudicator upholding the law, applying the law to the facts. He is a man of high integrity, high character—something sorely needed in this world but especially to be demonstrable in the Federal judiciary.

Clearly, Mr. Duncan is a qualified nominee, having that which it takes to be a successful judge. I recommend Mr. Duncan without reservation, and I urge my colleagues to join in supporting his nomination.

#### NOMINATION OF MIKE POMPEO

Mr. President, this relates to Mike Pompeo, who is the nominee for Secretary of State. If there is one thing everyone in Washington seems to agree on these days—indeed, in our country—it is that we face very serious threats around the globe. From Russian aggression in Eastern Europe and Syria to China's expansion in the South China Sea, to Iran's increased threats against Israel, to a North Korean dictator who likes to fire off missiles and test nuclear weapons, to the collapse of Venezuela, to transnational criminal organizations contributing to the opioid epidemic at home, to trade issues, our country is facing big challenges. As we face these global threats, we need a well-qualified Secretary of State who understands diplomacy and is working to keep our country safe.

It is hard to think of someone more qualified than Mike Pompeo. As Director of the CIA, a former Member of Congress, a top graduate of West Point, and editor of the Harvard Law Review, there are zero—I say zero—questions about his ability. That is what is troubling about our colleagues across the aisle who appear ready to oppose his nomination en masse for no other reason than that he is a Republican nominated by President Trump. It seems to be the latest example of Washington Democrats kowtowing to the so-called resistance movement, opposing anything and everything because they can't accept that Donald Trump was elected President of the United States.

It used to be said that our partisan differences ended at the shoreline; that we presented a united face to the rest of the world. An extension of that is whom we select as Secretary of State. It is worth noting that the previous Secretaries of State appointed under President Obama had overwhelming

support, both from Democrats and Republicans, precisely because of the importance of having a Secretary of State in place in this challenging world but also, again, because partisan differences should not be reflected to the outside. In this case, that has been lost in the name of the resistance.

When it comes to the critical position of Secretary of State, Mike Pompeo, in particular, would be the man for the job as we deal with Russia, Iran, North Korea, Syria, and other challenges. I urge my Democratic colleagues to do the right thing for our country instead of catering to the most extreme elements of their party.

Most of my Senate colleagues supported Mike Pompeo when he was nominated to serve as CIA Director. They should support him now as Secretary of State so we can show the world that while we may have our political differences at home about any number of issues, we stand united as Americans when it comes to facing threats to our security abroad.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASSIDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

#### CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Thom Tillis, John Cornyn, John Kennedy, Richard Burr, Mike Lee, David Perdue, Steve Daines, James Lankford, Pat Roberts, Johnny Isakson, Jeff Flake, Lindsey Graham, Patrick J. Toomey, Marco Rubio, Tom Cotton, James E. Risch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from California (Mrs. FEIN-

STEIN), the Senator from Hawaii (Ms. HIRONO), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 44, as follows:

#### [Rollcall Vote No. 81 Ex.]

#### YEAS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

#### NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Sanders
Blumenthal	Heitkamp	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Harris	Peters	

#### NOT VOTING—6

Duckworth	Hirono	McCain
Feinstein	Isakson	Nelson

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 44.

The motion is agreed to.

The majority leader.

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CUBA

Mr. MENENDEZ. Mr. President, today I wish to address Cuba's undemocratic leadership transition and its implications for the Cuban people and U.S. foreign policy.

Today, in a highly scripted process, Cuba's National Assembly replaced Raul Castro, the country's gerontocratic dictator, with her apparent Miguel Diaz Canel. While this marks the first time in nearly 60 years that a Castro does not occupy the Cuban Presidency, this transition by no means portends the desperately needed political and economic change that Cubans desire, nor does it mean

that the Castro regime is no longer in charge.

This week's transition, characterized as a coronation and an attempt to institutionalize the Castro regime, is a ruse. This spectacle does not remotely come close to meeting internationally recognized standards for a democratic election. Cuba remains a single party, authoritarian state that denies its citizens their most fundamental freedoms.

Some contend that Mr. Diaz Canel could be a "Cuban Mikhail Gorbachev," and in seeking to reform the Castros' broken model, he will stumble into the collapse of Cuba's communist system. Such thinking fails to account for the fact that Mr. Diaz Canel's political ascent was forged under the same Communist Party that has perpetuated the Castros' decades-long stranglehold on Cuba.

More importantly, Raul Castro will maintain his position as the First Secretary of the Cuban Communist Party. As article 5 of Cuba's authoritarian constitution states, "The Communist Party of Cuba [. . .] is the superior ruling force of society and the State . . ." Under such a structure, does anyone honestly think that Raul Castro won't continue calling the shots while his handpicked dauphin occupies the role of President?

As this political farce unfolds, I want to make brief observations about three aspects of Raul Castro's legacy, the state of human rights in the country, the state of the Cuban economy, and the crisis in Venezuela, which Miguel Diaz Canel now owns.

Raul Castro will certainly leave an enduring human rights legacy. In the last 3 years, the Cuban Commission on Human Rights and National Reconciliation, Cuba's leading independent human rights organization, documented more than 20,000 arbitrary detentions of activists. Moreover, the State Department's 2016 Human Rights Report on Cuba stated that the Cuban Government routinely denies its citizens fair trials, monitors and censors private communications, suppresses freedoms of speech, assembly and press, and employs threats, physical assault and intimidation tactics against its own people.

Raul Castro's economic legacy will be the maintenance of the dual currency system that distorts the national economy and subjugates Cuban citizens to second-class status in their own country. Foreign companies seeking opportunities in Cuba are still forced to conduct business with the military and its vast network of shell companies. "Independent entrepreneurs" are a complete misnomer, as individuals continue to operate in a byzantine system that prevents them from owning their own companies and subjects them to licensing and tax requirements designed to stifle entrepreneurial activity.

Additionally, as well-connected members of the Cuban Communist